

REMARKS

Claims 28-33, 35-36, 44 and 46-48 are pending. Claims 1-27, and 49-58 are withdrawn. Claims 34,37-43,45, and 58 have been canceled.

Support for the amendments to claims 28 and 44 is found in as-filed FIGS. 5B and 5D.

Claim 44 stands rejected under 35 USC 102 as being anticipated by US Patent No. 3,805,443 (Duncan).

In the December 2008 Amendment, Applicants respectfully submitted that Claim 44 characterizes the first extension by four surface features: an upper end surface, a lower end surface, an inner surface having a convex contour, and an outer surface having a concave contour. These four surfaces are mutually exclusive of each other – that is, they characterize four distinct surfaces of the extension.

In contrast, the most straightforward characterization of FIG. 3 of Duncan is that it has convex upper and lower surfaces 11 at its upper and lower ends, and has straight inner and outer surfaces 17 on the right and left sides. Therefore, Duncan does not have an inner surface having a convex contour and an outer surface having a concave contour. Moreover, Applicants did not understand how the surface most recently identified by the Examiner as the “concave surface” is on an “outer surface.”

In the February 10, 2009 rejection, the Examiner found this reasoning unpersuasive because the Examiner concluded that “Duncan, Jr. clearly discloses first and second extensions, each extension having an upper end, a lower end, an inner surface having a convex contour and an outer surface having a concave contour as illustrated in Marked up Fig. 3, provided earlier in this action.”

In this RCE, Applicants respectfully traverse. Since Duncan is a yo-yo, it is relatively clear which components are inner surfaces and which are outer surfaces. For example, elements 16 and 24 reside on the inner surface. In contrast, element 14 is the outermost surface of the yo-yo. However, element 14 is not concave, but rather appears to be somewhat convex. Because the outermost surface in Duncan is not concave, the rejection should be withdrawn.

Claims 28-30, 44, 46-48 and 58 stand rejected under 35 USC 102 as being anticipated by US Patent No. 7,011,685 (Amin).

Applicants respectfully traverse.

In the December 2008 Amendment, Applicants respectfully submitted that Claims 28 and 44 characterize the first extension by four surface features: an upper end surface, a lower end surface, an inner surface having a convex contour, and an outer surface having a concave contour. These four surfaces are mutually exclusive of each other – that is, they characterize four distinct surfaces of the extension.

In contrast, the most straightforward characterization of Amin is that it has straight upper and lower surfaces, and straight inner and outer surfaces. The surfaces pointed to by the Examiner for their convexity and concavity are very small transition regions between the upper surface and the inner/outer surfaces that will exist on every single L-shaped design. Such regions can not be properly characterized as belonging to any of the upper surface, the inner surface or the outer surface. Therefore, Amin does not have an inner surface having a convex contour and an outer surface having a concave contour.

In the February 10, 2009 rejection, the Examiner found this reasoning unpersuasive because the Examiner concluded that “Arnin et al. clearly disclose extensions , each extension having an inner concave contour and an outer convex contour.”

In this RCE, Applicants respectfully traverse. The Examiner admits that the Arnin extensions have “an inner concave contour and an outer convex contour.” However, the present invention requires the opposite – that the extension have an inner surface having a convex contour and an outermost surface having a concave contour. Since the Examiner admits that Armin does not have an extension having an inner surface having a convex contour and an outermost surface having a concave contour, the present rejection should be withdrawn.

For these reasons, the rejection should be withdrawn.

Claims 28-33,35-36, 38-39, 46-48 stand rejected under 35 USC 103 as being unpatentable over US Patent No. 3,805,443 (Duncan) in view of US Patent No. 1, 985,032 (“Hoult”).

Applicants respectfully traverse. Applicants respectfully submitted above that Duncan does not have an outermost surface having a concave contour. Hoult has only been cited for its disclosure of a rivet and so does not cure the deficiencies of Duncan.

For these reasons, the rejection should be withdrawn.

In addition, please provide any additional extensions of time which may be necessary and charge any fees which may be due to Deposit Account No. 10-0750, but do not include any payment of issue fees.

Should there be any remaining or further questions, the Examiner is requested to place contact the undersigned directly.

Respectfully submitted,

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